

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BIS ADVANCED SOFTWARE
SYSTEMS, LTD.,

Plaintiff,

v.

RED BEND SOFTWARE, INC.,
RED BEND SOFTWARE, LTD.,
TIME WARNER INC., ICQ, INC.,
INSTALLSHIELD SOFTWARE CORP.,
and SCANSOFT, INC.

Defendants.

Civil Action No. 04-11960-RWZ

JURY TRIAL DEMANDED

PLAINTIFF'S REPLY TO DEFENDANT SCANSOFT'S COUNTERCLAIMS

Plaintiff BIS Advanced Software Systems, Ltd., replies to the corresponding numbered paragraphs of the counterclaims of Defendant ScanSoft as follows:

1. Plaintiff admits that this Counterclaim arises under the patent laws of the United States, 35 U.S.C. §§ 101, *et. seq.*
2. Plaintiff admits that this Court has subject matter jurisdiction over this Counterclaim under 28 U.S.C. §§ 1338, 2201, and 2202.
3. Plaintiff admits that venue is proper in this Court pursuant to 28 U.S.C. § 1400(a).
4. Plaintiff admits that ScanSoft is a Delaware company, with its principal place of business at 9 Centennial Drive, Peabody, Massachusetts 01960.
5. Plaintiff admits that Counterclaim Defendant BIS Advanced Software Systems, Ltd. ("BIS") is the owner of the U.S. Patent No. 6,401,239 ("the '239 patent").
6. Plaintiff admits that BIS has alleged that ScanSoft has infringed the '239 patent.

7. Plaintiff admits that an actual controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202, exists between BIS, on the one hand, and ScanSoft, on the other hand, on the non-infringement of the '239 patent.

8. Plaintiff denies the allegations of paragraph 8.

9. Plaintiff denies the allegations of paragraph 9.

10. Plaintiff denies the allegations of paragraph 10.

11. Plaintiff denies the allegations of paragraph 11.

12. Plaintiff restates its responses to paragraphs 1-11.

13. Plaintiff admits that an actual controversy, within the meaning of 28 U.S.C. §§ 2201 and 2202, exists between BIS, on the one hand, and ScanSoft, on the other hand, on the invalidity of the '239 patent.

14. Plaintiff denies the allegations of paragraph 14.

BIS ADVANCED SOFTWARE SYSTEMS, LTD.

By its attorneys,

Smell

Daniel P. Tighe (BBO #556583)
Scott McConchie (BBO #634127)
GRIESINGER, TIGHE, & MAFFEI, LLP
176 Federal Street
Boston, Massachusetts 02110-2214
(617) 542-9900

Neil F. Greenblum
Michael J. Fink
Caitlin Lhommedieu
Benjamin P. Kota
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

Dated: January 11, 2005

I hereby certify that a true copy
of the above document was
served upon the attorney of
record for each other party
by mail/hand/facsimile on:
1/11/05 Smell